



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2159

Introduced 7/14/2015, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

See Index

Amends various Acts relating to the governance of public universities in Illinois and the Public Community College Act. Sets forth provisions governing employment contracts entered into, amended, renewed, or extended after the effective date of the amendatory Act, excluding collective bargaining agreements. Requires the governing board of a university or community college district to complete an annual performance review of the president and any chancellors of the higher education institution. Provides that such annual performance review must be considered when the board contemplates a bonus, raise, or severance agreement for the president or chancellor.

LRB099 12932 NHT 36945 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The University of Illinois Act is amended by
5 adding Sections 90 and 95 as follows:

6 (110 ILCS 305/90 new)

7 Sec. 90. Employment contract limitations. This Section
8 applies to employment contracts entered into, amended,
9 renewed, or extended after the effective date of this
10 amendatory Act of the 99th General Assembly. This Section does
11 not apply to collective bargaining agreements. With respect to
12 an employment contract entered into with an employee of the
13 University:

14 (1) Severance payments or contract buyouts may not
15 occur if there are pending criminal charges against the
16 employee related to his or her employment.

17 (2) Final action on the formation, renewal, extension,
18 or termination of the employment contract must be made
19 during an open meeting of the Board of Trustees.

20 (3) 30 days' public notice must be given prior to final
21 action on the formation, renewal, extension, or
22 termination of the employment contract and must include a
23 complete description of the action to be taken and the

1 contract itself, including all addendums or any other
2 documents that change the contract.

3 (4) Any performance-based bonus to the employee must be
4 approved by the Board of Trustees in an open meeting. The
5 performance review or reviews upon which the bonus is based
6 must be made available to the public no less than 48 hours
7 before Board approval of the performance-based bonus.

8 (5) Board minutes, board packets, and annual
9 performance reviews concerning the employee must be made
10 available to the public on the University's Internet
11 website.

12 (6) Performance-based bonus payments that result in an
13 increase in the final rate of earnings under Section 15-112
14 of the Illinois Pension Code may not be paid with taxpayer
15 or tuition funds.

16 (110 ILCS 305/95 new)

17 Sec. 95. Executive accountability. The Board of Trustees
18 must complete an annual performance review of the president and
19 any chancellors of the University. Such annual performance
20 review must be considered when the Board contemplates a bonus,
21 raise, or severance agreement for the president or chancellor.

22 Section 10. The Southern Illinois University Management
23 Act is amended by adding Sections 75 and 80 as follows:

1 (110 ILCS 520/75 new)

2 Sec. 75. Employment contract limitations. This Section
3 applies to employment contracts entered into, amended,
4 renewed, or extended after the effective date of this
5 amendatory Act of the 99th General Assembly. This Section does
6 not apply to collective bargaining agreements. With respect to
7 an employment contract entered into with an employee of the
8 University:

9 (1) Severance payments or contract buyouts may not
10 occur if there are pending criminal charges against the
11 employee related to his or her employment.

12 (2) Final action on the formation, renewal, extension,
13 or termination of the employment contract must be made
14 during an open meeting of the Board.

15 (3) 30 days' public notice must be given prior to final
16 action on the formation, renewal, extension, or
17 termination of the employment contract and must include a
18 complete description of the action to be taken and the
19 contract itself, including all addendums or any other
20 documents that change the contract.

21 (4) Any performance-based bonus to the employee must be
22 approved by the Board in an open meeting. The performance
23 review or reviews upon which the bonus is based must be
24 made available to the public no less than 48 hours before
25 Board approval of the performance-based bonus.

26 (5) Board minutes, board packets, and annual

1 performance reviews concerning the employee must be made
2 available to the public on the University's Internet
3 website.

4 (6) Performance-based bonus payments that result in an
5 increase in the final rate of earnings under Section 15-112
6 of the Illinois Pension Code may not be paid with taxpayer
7 or tuition funds.

8 (110 ILCS 520/80 new)

9 Sec. 80. Executive accountability. The Board must complete
10 an annual performance review of the president and any
11 chancellors of the University. Such annual performance review
12 must be considered when the Board contemplates a bonus, raise,
13 or severance agreement for the president or chancellor.

14 Section 15. The Chicago State University Law is amended by
15 adding Sections 5-185 and 5-190 as follows:

16 (110 ILCS 660/5-185 new)

17 Sec. 5-185. Employment contract limitations. This Section
18 applies to employment contracts entered into, amended,
19 renewed, or extended after the effective date of this
20 amendatory Act of the 99th General Assembly. This Section does
21 not apply to collective bargaining agreements. With respect to
22 an employment contract entered into with an employee of the
23 University:

1 (1) Severance payments or contract buyouts may not
2 occur if there are pending criminal charges against the
3 employee related to his or her employment.

4 (2) Final action on the formation, renewal, extension,
5 or termination of the employment contract must be made
6 during an open meeting of the Board.

7 (3) 30 days' public notice must be given prior to final
8 action on the formation, renewal, extension, or
9 termination of the employment contract and must include a
10 complete description of the action to be taken and the
11 contract itself, including all addendums or any other
12 documents that change the contract.

13 (4) Any performance-based bonus to the employee must be
14 approved by the Board in an open meeting. The performance
15 review or reviews upon which the bonus is based must be
16 made available to the public no less than 48 hours before
17 Board approval of the performance-based bonus.

18 (5) Board minutes, board packets, and annual
19 performance reviews concerning the employee must be made
20 available to the public on the University's Internet
21 website.

22 (6) Performance-based bonus payments that result in an
23 increase in the final rate of earnings under Section 15-112
24 of the Illinois Pension Code may not be paid with taxpayer
25 or tuition funds.

1 (110 ILCS 660/5-190 new)

2 Sec. 5-190. Executive accountability. The Board must
3 complete an annual performance review of the president and any
4 chancellors of the University. Such annual performance review
5 must be considered when the Board contemplates a bonus, raise,
6 or severance agreement for the president or chancellor.

7 Section 20. The Eastern Illinois University Law is amended
8 by adding Sections 10-185 and 10-190 as follows:

9 (110 ILCS 665/10-185 new)

10 Sec. 10-185. Employment contract limitations. This Section
11 applies to employment contracts entered into, amended,
12 renewed, or extended after the effective date of this
13 amendatory Act of the 99th General Assembly. This Section does
14 not apply to collective bargaining agreements. With respect to
15 an employment contract entered into with an employee of the
16 University:

17 (1) Severance payments or contract buyouts may not
18 occur if there are pending criminal charges against the
19 employee related to his or her employment.

20 (2) Final action on the formation, renewal, extension,
21 or termination of the employment contract must be made
22 during an open meeting of the Board.

23 (3) 30 days' public notice must be given prior to final
24 action on the formation, renewal, extension, or

1 termination of the employment contract and must include a
2 complete description of the action to be taken and the
3 contract itself, including all addendums or any other
4 documents that change the contract.

5 (4) Any performance-based bonus to the employee must be
6 approved by the Board in an open meeting. The performance
7 review or reviews upon which the bonus is based must be
8 made available to the public no less than 48 hours before
9 Board approval of the performance-based bonus.

10 (5) Board minutes, board packets, and annual
11 performance reviews concerning the employee must be made
12 available to the public on the University's Internet
13 website.

14 (6) Performance-based bonus payments that result in an
15 increase in the final rate of earnings under Section 15-112
16 of the Illinois Pension Code may not be paid with taxpayer
17 or tuition funds.

18 (110 ILCS 665/10-190 new)

19 Sec. 10-190. Executive accountability. The Board must
20 complete an annual performance review of the president and any
21 chancellors of the University. Such annual performance review
22 must be considered when the Board contemplates a bonus, raise,
23 or severance agreement for the president or chancellor.

24 Section 25. The Governors State University Law is amended

1 by adding Sections 15-185 and 15-190 as follows:

2 (110 ILCS 670/15-185 new)

3 Sec. 15-185. Employment contract limitations. This Section
4 applies to employment contracts entered into, amended,
5 renewed, or extended after the effective date of this
6 amendatory Act of the 99th General Assembly. This Section does
7 not apply to collective bargaining agreements. With respect to
8 an employment contract entered into with an employee of the
9 University:

10 (1) Severance payments or contract buyouts may not
11 occur if there are pending criminal charges against the
12 employee related to his or her employment.

13 (2) Final action on the formation, renewal, extension,
14 or termination of the employment contract must be made
15 during an open meeting of the Board.

16 (3) 30 days' public notice must be given prior to final
17 action on the formation, renewal, extension, or
18 termination of the employment contract and must include a
19 complete description of the action to be taken and the
20 contract itself, including all addendums or any other
21 documents that change the contract.

22 (4) Any performance-based bonus to the employee must be
23 approved by the Board in an open meeting. The performance
24 review or reviews upon which the bonus is based must be
25 made available to the public no less than 48 hours before

1 Board approval of the performance-based bonus.

2 (5) Board minutes, board packets, and annual
3 performance reviews concerning the employee must be made
4 available to the public on the University's Internet
5 website.

6 (6) Performance-based bonus payments that result in an
7 increase in the final rate of earnings under Section 15-112
8 of the Illinois Pension Code may not be paid with taxpayer
9 or tuition funds.

10 (110 ILCS 670/15-190 new)

11 Sec. 15-190. Executive accountability. The Board must
12 complete an annual performance review of the president and any
13 chancellors of the University. Such annual performance review
14 must be considered when the Board contemplates a bonus, raise,
15 or severance agreement for the president or chancellor.

16 Section 30. The Illinois State University Law is amended by
17 adding Sections 20-190 and 20-195 as follows:

18 (110 ILCS 675/20-190 new)

19 Sec. 20-190. Employment contract limitations. This Section
20 applies to employment contracts entered into, amended,
21 renewed, or extended after the effective date of this
22 amendatory Act of the 99th General Assembly. This Section does
23 not apply to collective bargaining agreements. With respect to

1 an employment contract entered into with an employee of the
2 University:

3 (1) Severance payments or contract buyouts may not
4 occur if there are pending criminal charges against the
5 employee related to his or her employment.

6 (2) Final action on the formation, renewal, extension,
7 or termination of the employment contract must be made
8 during an open meeting of the Board.

9 (3) 30 days' public notice must be given prior to final
10 action on the formation, renewal, extension, or
11 termination of the employment contract and must include a
12 complete description of the action to be taken and the
13 contract itself, including all addendums or any other
14 documents that change the contract.

15 (4) Any performance-based bonus to the employee must be
16 approved by the Board in an open meeting. The performance
17 review or reviews upon which the bonus is based must be
18 made available to the public no less than 48 hours before
19 Board approval of the performance-based bonus.

20 (5) Board minutes, board packets, and annual
21 performance reviews concerning the employee must be made
22 available to the public on the University's Internet
23 website.

24 (6) Performance-based bonus payments that result in an
25 increase in the final rate of earnings under Section 15-112
26 of the Illinois Pension Code may not be paid with taxpayer

1 or tuition funds.

2 (110 ILCS 675/20-195 new)

3 Sec. 20-195. Executive accountability. The Board must
4 complete an annual performance review of the president and any
5 chancellors of the University. Such annual performance review
6 must be considered when the Board contemplates a bonus, raise,
7 or severance agreement for the president or chancellor.

8 Section 35. The Northeastern Illinois University Law is
9 amended by adding Sections 25-185 and 25-190 as follows:

10 (110 ILCS 680/25-185 new)

11 Sec. 25-185. Employment contract limitations. This Section
12 applies to employment contracts entered into, amended,
13 renewed, or extended after the effective date of this
14 amendatory Act of the 99th General Assembly. This Section does
15 not apply to collective bargaining agreements. With respect to
16 an employment contract entered into with an employee of the
17 University:

18 (1) Severance payments or contract buyouts may not
19 occur if there are pending criminal charges against the
20 employee related to his or her employment.

21 (2) Final action on the formation, renewal, extension,
22 or termination of the employment contract must be made
23 during an open meeting of the Board.

1 (3) 30 days' public notice must be given prior to final
2 action on the formation, renewal, extension, or
3 termination of the employment contract and must include a
4 complete description of the action to be taken and the
5 contract itself, including all addendums or any other
6 documents that change the contract.

7 (4) Any performance-based bonus to the employee must be
8 approved by the Board in an open meeting. The performance
9 review or reviews upon which the bonus is based must be
10 made available to the public no less than 48 hours before
11 Board approval of the performance-based bonus.

12 (5) Board minutes, board packets, and annual
13 performance reviews concerning the employee must be made
14 available to the public on the University's Internet
15 website.

16 (6) Performance-based bonus payments that result in an
17 increase in the final rate of earnings under Section 15-112
18 of the Illinois Pension Code may not be paid with taxpayer
19 or tuition funds.

20 (110 ILCS 680/25-190 new)

21 Sec. 25-190. Executive accountability. The Board must
22 complete an annual performance review of the president and any
23 chancellors of the University. Such annual performance review
24 must be considered when the Board contemplates a bonus, raise,
25 or severance agreement for the president or chancellor.

1 Section 40. The Northern Illinois University Law is amended
2 by adding Sections 30-195 and 30-200 as follows:

3 (110 ILCS 685/30-195 new)

4 Sec. 30-195. Employment contract limitations. This Section
5 applies to employment contracts entered into, amended,
6 renewed, or extended after the effective date of this
7 amendatory Act of the 99th General Assembly. This Section does
8 not apply to collective bargaining agreements. With respect to
9 an employment contract entered into with an employee of the
10 University:

11 (1) Severance payments or contract buyouts may not
12 occur if there are pending criminal charges against the
13 employee related to his or her employment.

14 (2) Final action on the formation, renewal, extension,
15 or termination of the employment contract must be made
16 during an open meeting of the Board.

17 (3) 30 days' public notice must be given prior to final
18 action on the formation, renewal, extension, or
19 termination of the employment contract and must include a
20 complete description of the action to be taken and the
21 contract itself, including all addendums or any other
22 documents that change the contract.

23 (4) Any performance-based bonus to the employee must be
24 approved by the Board in an open meeting. The performance

1 review or reviews upon which the bonus is based must be
2 made available to the public no less than 48 hours before
3 Board approval of the performance-based bonus.

4 (5) Board minutes, board packets, and annual
5 performance reviews concerning the employee must be made
6 available to the public on the University's Internet
7 website.

8 (6) Performance-based bonus payments that result in an
9 increase in the final rate of earnings under Section 15-112
10 of the Illinois Pension Code may not be paid with taxpayer
11 or tuition funds.

12 (110 ILCS 685/30-200 new)

13 Sec. 30-200. Executive accountability. The Board must
14 complete an annual performance review of the president and any
15 chancellors of the University. Such annual performance review
16 must be considered when the Board contemplates a bonus, raise,
17 or severance agreement for the president or chancellor.

18 Section 45. The Western Illinois University Law is amended
19 by adding Sections 35-190 and 35-195 as follows:

20 (110 ILCS 690/35-190 new)

21 Sec. 35-190. Employment contract limitations. This Section
22 applies to employment contracts entered into, amended,
23 renewed, or extended after the effective date of this

1 amendatory Act of the 99th General Assembly. This Section does
2 not apply to collective bargaining agreements. With respect to
3 an employment contract entered into with an employee of the
4 University:

5 (1) Severance payments or contract buyouts may not
6 occur if there are pending criminal charges against the
7 employee related to his or her employment.

8 (2) Final action on the formation, renewal, extension,
9 or termination of the employment contract must be made
10 during an open meeting of the Board.

11 (3) 30 days' public notice must be given prior to final
12 action on the formation, renewal, extension, or
13 termination of the employment contract and must include a
14 complete description of the action to be taken and the
15 contract itself, including all addendums or any other
16 documents that change the contract.

17 (4) Any performance-based bonus to the employee must be
18 approved by the Board in an open meeting. The performance
19 review or reviews upon which the bonus is based must be
20 made available to the public no less than 48 hours before
21 Board approval of the performance-based bonus.

22 (5) Board minutes, board packets, and annual
23 performance reviews concerning the employee must be made
24 available to the public on the University's Internet
25 website.

26 (6) Performance-based bonus payments that result in an

1 increase in the final rate of earnings under Section 15-112
2 of the Illinois Pension Code may not be paid with taxpayer
3 or tuition funds.

4 (110 ILCS 690/35-195 new)

5 Sec. 35-195. Executive accountability. The Board must
6 complete an annual performance review of the president and any
7 chancellors of the University. Such annual performance review
8 must be considered when the Board contemplates a bonus, raise,
9 or severance agreement for the president or chancellor.

10 Section 50. The Public Community College Act is amended by
11 adding Sections 3-65, 3-70, and 3-75 as follows:

12 (110 ILCS 805/3-65 new)

13 Sec. 3-65. Employment contract limitations. This Section
14 applies to employment contracts entered into, amended,
15 renewed, or extended after the effective date of this
16 amendatory Act of the 99th General Assembly. This Section does
17 not apply to collective bargaining agreements. With respect to
18 an employment contract entered into with an employee of the
19 community college district:

20 (1) The initial term of the employment contract may not
21 exceed 3 years.

22 (2) The employment contract may not include any
23 automatic renewal clauses.

1 (3) Severance payments under the employment contract
2 may not exceed one year's salary and applicable benefits of
3 the employee.

4 (4) Severance payments or contract buyouts may not
5 occur if there are pending criminal charges against the
6 employee related to his or her employment.

7 (110 ILCS 805/3-70 new)

8 Sec. 3-70. Employment contract transparency. This Section
9 applies to employment contracts entered into, amended,
10 renewed, or extended after the effective date of this
11 amendatory Act of the 99th General Assembly. This Section does
12 not apply to collective bargaining agreements. With respect to
13 an employment contract entered into with an employee of the
14 community college district:

15 (1) Final action on the formation, renewal, extension,
16 or termination of the employment contract must be made
17 during an open meeting of the board.

18 (2) 30 days' public notice must be given prior to final
19 action on the formation, renewal, extension, or
20 termination of the employment contract and must include a
21 complete description of the action to be taken and the
22 contract itself, including all addendums or any other
23 documents that change the contract.

24 (3) Any performance-based bonus to the employee must be
25 approved by the board in an open meeting. The performance

1 review or reviews upon which the bonus is based must be
2 made available to the public no less than 48 hours before
3 board approval of the performance-based bonus.

4 (4) Board minutes, board packets, and annual
5 performance reviews concerning the employee must be made
6 available to the public on the community college district's
7 Internet website.

8 (110 ILCS 805/3-75 new)

9 Sec. 3-75. Executive accountability. A board must complete
10 an annual performance review of the president and any
11 chancellors of the community college. Such annual performance
12 review must be considered when the board contemplates a bonus,
13 raise, or severance agreement for the president or chancellor.

1 INDEX

2 Statutes amended in order of appearance

- 3 110 ILCS 305/90 new
- 4 110 ILCS 305/95 new
- 5 110 ILCS 520/75 new
- 6 110 ILCS 520/80 new
- 7 110 ILCS 660/5-185 new
- 8 110 ILCS 660/5-190 new
- 9 110 ILCS 665/10-185 new
- 10 110 ILCS 665/10-190 new
- 11 110 ILCS 670/15-185 new
- 12 110 ILCS 670/15-190 new
- 13 110 ILCS 675/20-190 new
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- 17 110 ILCS 685/30-195 new
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- 19 110 ILCS 690/35-190 new
- 20 110 ILCS 690/35-195 new
- 21 110 ILCS 805/3-65 new
- 22 110 ILCS 805/3-70 new
- 23 110 ILCS 805/3-75 new